

## **REMARKS**

Applicant has amended the claims to more precisely define and distinguish the present invention over the prior art.

The application as amended comprises three separate independent claims, one directed to a system, a second directed to a computer software product, and the third directed to a method for managing digital images

Applicant have amended the independent claims to more precisely define the present invention and distinguish over the prior art. In particular claim 1 as amended is directed to a system for managing digital images where there is provided a plurality of user computers each having an image storage device having at least one image file of an image wherein the user computers identifies at least one authorized third party that may have access to the at least one image file. The system further includes a server that allows and controls access to a user image file that is stored on the user image storage device. When an authorized third party places a request to the server to obtain access to the at least one image file, the server in response thereto first accesses the at least one image on the user computer and then forwards the image file to the third party without any further authorization by the user. Thus, the third party never has direct access to the image file that is stored on the user computer. The server controls access by allowing only authorized third parties to have access to the image file by the server first accessing the image file and then forward the image file to the user. This maintains the security of the image file on the user computer with respect to third party yet allows third party to have access only when appropriately authorized by the user computer.

The controlled access of the present invention is in complete contrast to the Napster et al. site. Enclosed herewith is a copy of an article entitled "Open Source Napster Server" last updated on April 2, 2001 by Scholl. This describes the operation of Napster. In the Napster et al. site the images are stored on the user computer however, there is communication directly between users computers. The files in Napster stay on the client machines and never pass through the server. Napster provides the ability to have users search for the

existence of particular files to initiate a direct transfer between a user and a third party. In the present invention there is no direct transfer between the user and a third party. The present invention prevents direct access of the third party with respect to files on the user computer thereby maintaining the security of the image files on the user computer yet allowing third parties to access the image file. Furthermore, in the present invention access is provided only parties authorized by the user computer. In Napster any individual that uses the Napster index will have access to the image files on any user computer, there is no authorization of specifically identified third parties for access to the image as taught and claimed by Applicant. Thus, it is respectfully submitted that independent claim 1 is patentably distinct over the cited art.

New dependent claims 17 and 18 have been added which discuss that the authorization of the third party occurs by providing a low resolution image file of the image to the at least one authorized third party and that the third party uses the low resolution image for requesting access to the high resolution image of the image. The Napster reference does not teach or suggest dealing with images and therefore could not teach or suggest providing low resolution images as taught and claimed by Applicant. Quite the contrary since Napster is dealing with audio music there is no ability to provide low resolution music files as this would totally destroy the music. Accordingly these claims are patentably distinct for these additional reasons. Furthermore, as previously discussed there is no authorization process for identifying specific third parties as taught and claimed.

Independent claim 6 is similar to claim 1 except that it is directed to a computer software product for managing digital images stored on a user computer. The program is loaded onto a server which causes the server to perform the steps of receiving authorization from the user identifying a third party that may have access to digital images stored on the user computer and then allow control access to these digital images in response to a request by an authorized third party to access the images and then the server proceeds to obtain and forward the digital images to the third party. Accordingly claim 6 is patentably distinct for the same reasons discussed with respect to independent claim 1.

The last independent claim, claims 7 is a method claim and includes many of the same limitations found with respect to claim 6 and therefore is patentably distinct for the same reasons previously discussed.

**Summary**

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.